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 U.S. DEPARTMENT OF STATE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

US RIGHT TO KNOW,)	No. 4:22-cv-04359-KAW
)	
Plaintiff,)	
)	ANSWER OF DEFENDANT UNITED STATES
v.)	DEPARTMENT OF STATE
)	
UNITED STATES DEPARTMENT OF)	
STATE,)	
)	
Defendant.)	

Defendant United States Department of State (“Defendant”), by and through counsel, respectfully responds to the Complaint for Declaratory and Injunctive Relief filed by plaintiff US Right to Know (“Plaintiff”), ECF No. 1 (“Complaint”), as follows:¹

INTRODUCTION

1. The allegations contained in Paragraph 1 constitute Plaintiff’s characterization of this action brought pursuant to the Freedom of Information Act (“FOIA”) and their reasons for bringing this action, to which no response is required. To the extent any further response is required, Defendant

¹ The headings and numbered paragraphs of this Answer correspond to the headings and numbered paragraphs of the Complaint. Defendant does not waive any defensive theory or agree or admit that Plaintiff’s headings are accurate, appropriate, or substantiated.

1 admits that Plaintiff purports to bring this action under FOIA.

2 2. Paragraph 2 consists of Plaintiff's characterization of this action and legal conclusions, to
3 which no response is required. To the extent any response is required, Defendant respectfully directs the
4 Court to the provisions of FOIA and denies all allegations inconsistent therewith.

5 3. The allegations contained in Paragraph 3 constitute Plaintiff's opinions and/or subjective
6 characterizations, interpretations, speculation, and generalizations to which no response is required, and
7 do not set forth a claim for relief or aver facts in support of a claim to which an answer is required. To
8 the extent any further response is required, Defendant lacks sufficient information or knowledge to form
9 a belief as to the truth or falsity of the allegations contained in Paragraph 3, and on that basis denies
10 them.

11 4. The allegations contained in Paragraph 4 consist of Plaintiff's characterization of its
12 request for relief, to which no response is required. To the extent any further response is required,
13 Defendant denies those allegations and denies that Plaintiff is entitled to any relief.

14 **JURISDICTION AND VENUE**

15 5. Paragraph 5 contains Plaintiff's legal conclusions regarding jurisdiction, to which no
16 response is required. To the extent any response is required, Defendant admits that this Court has
17 subject matter jurisdiction over FOIA claims subject to the terms and limitations of FOIA.

18 6. Paragraph 6 contains Plaintiff's legal conclusions regarding jurisdiction, to which no
19 response is required. To the extent any response is required, Defendant admits that this Court has
20 subject matter jurisdiction over FOIA claims subject to the terms and limitations of FOIA.

21 **INTRADISTRICT ASSIGNMENT**

22 7. Paragraph 7 contains Plaintiff's legal conclusions regarding intradistrict assignment, to
23 which no response is required. To the extent any response is required, Defendant respectfully directs the
24 Court to the cited provision and denies all allegations inconsistent therewith. With respect to the
25 remaining allegations of Paragraph 7, Defendant lacks sufficient information or knowledge to form a
26 belief as to the truth or falsity of those allegations, and on that basis denies them.

27 8. Paragraph 8 contains Plaintiff's legal conclusions regarding jurisdiction, to which no
28 response is required. To the extent any response is required, Defendant respectfully directs the Court to

1 the cited provision of FOIA and denies all allegations inconsistent therewith.

2 9. Defendant lacks sufficient information or knowledge to form a belief as to the truth or
3 falsity of the allegation contained in Paragraph 9, and on that basis denies it.

4 10. Defendant lacks sufficient information or knowledge to form a belief as to the truth or
5 falsity of the allegation contained in Paragraph 10, and on that basis denies it.

6 11. Paragraph 11 contains Plaintiff's legal conclusions regarding intradistrict assignment, to
7 which no response is required. To the extent any response is required, Defendant respectfully directs the
8 Court to the cited provision and denies all allegations inconsistent therewith. With respect to the
9 remaining allegations of Paragraph 11, Defendant lacks sufficient information or knowledge to form a
10 belief as to the truth or falsity of those allegations, and on that basis denies them.

11 **PARTIES**

12 12. Defendant lacks sufficient information or knowledge to form a belief as to the truth or
13 falsity of the allegations contained in Paragraph 12, and on that basis denies them.

14 13. With respect to Paragraph 13, Defendant admits that the United States Department of
15 State is a department within the United States executive branch.

16 14. With respect to Paragraph 14, Defendant admits that the United States Department of
17 State is a federal agency within the meaning of FOIA. The remainder of this paragraph contains
18 Plaintiff's legal conclusions, to which no response is required. To the extent any response is required,
19 Defendant respectfully directs the Court to the cited provision of FOIA and denies all allegations
20 inconsistent therewith.

21 **LEGAL FRAMEWORK**

22 15. Paragraph 15 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to
23 which no response is required. To the extent any further response is required, Defendant respectfully
24 directs the Court to the cited provisions and denies all allegations inconsistent therewith.

25 16. Paragraph 16 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to
26 which no response is required. To the extent any further response is required, Defendant respectfully
27 directs the Court to the cited provisions and denies all allegations inconsistent therewith.

28 17. Paragraph 17 contains Plaintiff's legal conclusions regarding the provisions of FOIA and

1 Defendant's regulations governing the availability of information to the public, to which no response is
2 required. To the extent any further response is required, Defendant respectfully directs the Court to the
3 cited provisions and regulations and denies all allegations inconsistent therewith.

4 18. Paragraph 18 contains Plaintiff's legal conclusions regarding the provisions of FOIA and
5 Defendant's regulations governing the availability of information to the public, to which no response is
6 required. To the extent any further response is required, Defendant respectfully directs the Court to the
7 cited provisions and regulations and denies all allegations inconsistent therewith.

8 19. Paragraph 19 contains Plaintiff's legal conclusions regarding the provisions of FOIA and
9 Defendant's regulations governing the availability of information to the public, to which no response is
10 required. To the extent any further response is required, Defendant respectfully directs the Court to the
11 cited provisions and regulations and denies all allegations inconsistent therewith.

12 20. Paragraph 20 contains Plaintiff's legal conclusions regarding the provisions of FOIA and
13 Defendant's regulations governing the availability of information to the public, to which no response is
14 required. To the extent any further response is required, Defendant respectfully directs the Court to the
15 cited provisions and regulations and denies all allegations inconsistent therewith.

16 21. Paragraph 21 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to
17 which no response is required. To the extent any further response is required, Defendant respectfully
18 directs the Court to the cited provisions and regulations and denies all allegations inconsistent therewith.

19 22. Paragraph 22 contains Plaintiff's legal conclusions regarding the provisions of FOIA and
20 Defendant's regulations governing the availability of information to the public, to which no response is
21 required. To the extent any further response is required, Defendant respectfully directs the Court to the
22 cited provisions and regulations and denies all allegations inconsistent therewith.

23 23. Paragraph 23 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to
24 which no response is required. To the extent any further response is required, Defendant respectfully
25 directs the Court to the cited provisions and regulations and denies all allegations inconsistent therewith.

26 24. Paragraph 24 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to
27 which no response is required. To the extent any further response is required, Defendant respectfully
28 directs the Court to the cited provisions and regulations and denies all allegations inconsistent therewith.

1 25. Paragraph 25 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to
2 which no response is required. To the extent any further response is required, Defendant respectfully
3 directs the Court to the cited provisions and regulations and denies all allegations inconsistent therewith.

4 26. Paragraph 26 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to
5 which no response is required. To the extent any further response is required, Defendant respectfully
6 directs the Court to the cited provisions and regulations and denies all allegations inconsistent therewith.

7 27. Paragraph 27 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to
8 which no response is required. To the extent any further response is required, Defendant respectfully
9 directs the Court to the cited provisions and regulations and denies all allegations inconsistent therewith.

10 28. Paragraph 28 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to
11 which no response is required. To the extent any further response is required, Defendant respectfully
12 directs the Court to the cited provisions and regulations and denies all allegations inconsistent therewith.

13 29. Paragraph 29 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to
14 which no response is required. To the extent any further response is required, Defendant respectfully
15 directs the Court to the cited provisions and regulations and denies all allegations inconsistent therewith.

16 30. Paragraph 30 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to
17 which no response is required. To the extent any further response is required, Defendant respectfully
18 directs the Court to the cited provisions and regulations and denies all allegations inconsistent therewith.

19 31. Paragraph 31 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to
20 which no response is required. To the extent any further response is required, Defendant respectfully
21 directs the Court to the cited provisions and regulations and denies all allegations inconsistent therewith.

22 32. Paragraph 32 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to
23 which no response is required. To the extent any further response is required, Defendant respectfully
24 directs the Court to the cited provisions and regulations and denies all allegations inconsistent therewith.

25 33. Paragraph 33 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to
26 which no response is required. To the extent any further response is required, Defendant respectfully
27 directs the Court to the cited provisions and regulations and denies all allegations inconsistent therewith.

28 34. Paragraph 34 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to

1 which no response is required. To the extent any further response is required, Defendant respectfully
 2 directs the Court to the cited provisions and regulations and denies all allegations inconsistent therewith.

3 **STATEMENT OF OPERATIVE FACTS**

4 *FOIA Request One*

5 35. Defendant admits that Plaintiff submitted one FOIA request dated January 27, 2021. The
 6 remaining allegations contained in Paragraph 35 consist of Plaintiff's characterization of its request, to
 7 which no response is required. Defendant respectfully refers the Court to the text of Plaintiff's FOIA
 8 request for a full and accurate statement of its contents, and denies all allegations inconsistent therewith.

9 36. Defendant admits that it received Plaintiff's FOIA request dated January 27, 2021. The
 10 remaining allegations contained in Paragraph 36 consist of Plaintiff's characterization of its request, to
 11 which no response is required. Defendant respectfully refers the Court to the text of Plaintiff's FOIA
 12 request for a full and accurate statement of its contents, and denies all allegations inconsistent therewith.

13 37. Defendant lacks sufficient information or knowledge to form a belief as to the truth or
 14 falsity of the allegations contained in Paragraph 37, and on that basis denies them.

15 38. Defendant lacks sufficient information or knowledge to form a belief as to the truth or
 16 falsity of the allegations contained in Paragraph 38, and on that basis denies them.

17 39. Defendant lacks sufficient information or knowledge to form a belief as to the truth or
 18 falsity of the allegations contained in Paragraph 39, and on that basis denies them.

19 40. Defendant lacks sufficient information or knowledge to form a belief as to the truth or
 20 falsity of the allegations contained in Paragraph 40, and on that basis denies them.

21 41. Defendant lacks sufficient information or knowledge to form a belief as to the truth or
 22 falsity of the allegations contained in Paragraph 41, and on that basis denies them.

23 42. With respect to Paragraph 42, Defendant admits the allegations.

24 43. With respect to Paragraph 43, Defendant admits that it sent an email to Plaintiff on
 25 January 29, 2021. Defendant respectfully refers the Court to the text of that correspondence for a full
 26 and accurate statement of its contents, and denies all allegations inconsistent therewith.

27 44. With respect to Paragraph 44, Defendant admits that it sent an email to Plaintiff on
 28 January 29, 2021. Defendant respectfully refers the Court to the text of that correspondence for a full

1 and accurate statement of its contents, and denies all allegations inconsistent therewith.

2 45. With respect to Paragraph 45, Defendant admits that it sent an email to Plaintiff on
3 January 29, 2021. Defendant respectfully refers the Court to the text of that correspondence for a full
4 and accurate statement of its contents, and denies all allegations inconsistent therewith. The remaining
5 allegations of Paragraph 45 contain Plaintiff's legal conclusions, to which no response is required. To
6 the extent any response is required, Defendant respectfully directs the Court to the provisions of FOIA
7 and denies all allegations inconsistent therewith.

8 46. With respect to Paragraph 46, Defendant admits that it received an email from Plaintiff
9 on April 15, 2021, regarding Plaintiff's FOIA request dated January 27, 2021. Defendant respectfully
10 refers the Court to the text of that correspondence for a full and accurate statement of its contents, and
11 denies all allegations inconsistent therewith.

12 47. With respect to Paragraph 47, Defendant admits that it sent an email to Plaintiff on April
13 28, 2021, in response to Plaintiff's email on April 15, 2021. Defendant respectfully refers the Court to
14 the text of that correspondence for a full and accurate statement of its contents, and denies all allegations
15 inconsistent therewith.

16 48. With respect to Paragraph 48, Defendant admits that it received an email from Plaintiff
17 on February 8, 2022, regarding Plaintiff's FOIA request dated January 27, 2021. Defendant respectfully
18 refers the Court to the text of the correspondence for a full and accurate statement of its contents, and
19 denies all allegations inconsistent therewith.

20 49. With respect to Paragraph 49, Defendant admits that it sent an email to Plaintiff on
21 February 11, 2022, in response to Plaintiff's email on February 8, 2022. Defendant respectfully refers
22 the Court to the text of that correspondence for a full and accurate statement of its contents, and denies
23 all allegations inconsistent therewith. The remaining allegations of Paragraph 49 contain Plaintiff's
24 legal conclusions, to which no response is required. To the extent any response is required, Defendant
25 respectfully directs the Court to the provisions of FOIA and denies all allegations inconsistent therewith.

26 50. With respect to Paragraph 50, Defendant admits that as of the date of the Complaint, it
27 had not had any additional communications with Plaintiff since the date of Defendant's email to Plaintiff
28 on February 11, 2022. The remaining allegation contained in Paragraph 50 consists of Plaintiff's

1 characterization of this action, to which no response is required.

2 51. With respect to Paragraph 51, Defendant admits that as of the date of the Complaint, it
3 had not provided Plaintiff with a determination informing Plaintiff of whether Defendant would produce
4 documents related to Plaintiff's FOIA request, the reasons for its decision, and notice of Plaintiff's right
5 to appeal the decision to the head of the agency. The remaining allegations of Paragraph 51 contain
6 Plaintiff's legal conclusions, to which no response is required. To the extent any response is required,
7 Defendant respectfully directs the Court to the cited provisions of FOIA and denies all allegations
8 inconsistent therewith.

9 52. Paragraph 52 contains Plaintiff's legal conclusions, to which no response is required. To
10 the extent any response is required, Defendant respectfully directs the Court to the cited provision of
11 FOIA and denies all allegations inconsistent therewith.

12 53. With respect to Paragraph 53, Defendant admits the allegations.

13 54. With respect to Paragraph 54, Defendant admits the allegations.

14 55. Paragraph 55 contains Plaintiff's legal conclusions, to which no response is required. To
15 the extent any response is required, Defendant respectfully directs the Court to the cited provisions of
16 FOIA and denies all allegations inconsistent therewith.

17 56. With respect to Paragraph 56, Defendant lacks sufficient information or knowledge to
18 form a belief as to the truth or falsity of the allegation that Plaintiff "has been forced to retain the
19 services of counsel and to expend funds," and on that basis denies it. The remaining allegations of
20 Paragraph 58 contain Plaintiff's legal conclusions, to which no response is required. To the extent any
21 response is required, Defendant respectfully directs the Court to the provisions of FOIA and denies all
22 allegations inconsistent therewith.

23 *FOIA Request Two*

24 57. Defendant admits that Plaintiff submitted a second FOIA request dated June 8, 2021.
25 The remaining allegations contained in Paragraph 57 consist of Plaintiff's characterization of its request,
26 to which no response is required. Defendant respectfully refers the Court to the text of Plaintiff's FOIA
27 request for a full and accurate statement of its contents, and denies all allegations inconsistent therewith.

28 58. Defendant admits that it received Plaintiff's FOIA request dated June 8, 2021. The

1 remaining allegations contained in Paragraph 58 consist of Plaintiff's characterization of its request, to
2 which no response is required. Defendant respectfully refers the Court to the text of Plaintiff's FOIA
3 request for a full and accurate statement of its contents, and denies all allegations inconsistent therewith.

4 59. Defendant lacks sufficient information or knowledge to form a belief as to the truth or
5 falsity of the allegations contained in Paragraph 59, and on that basis denies them.

6 60. Defendant realleges and incorporates by reference its responses to Paragraphs 39–41
7 above as though fully set forth herein.

8 61. With respect to Paragraph 61, Defendant admits that it sent an email to Plaintiff on June
9 14, 2021, acknowledging Plaintiff's FOIA request dated June 8, 2021. Defendant respectfully refers the
10 Court to the text of that correspondence for a full and accurate statement of its contents, and denies all
11 allegations inconsistent therewith.

12 62. With respect to Paragraph 62, Defendant admits that it sent an email to Plaintiff on June
13 14, 2021, regarding Plaintiff's FOIA request dated June 8, 2021. Defendant respectfully refers the Court
14 to the text of that correspondence for a full and accurate statement of its contents, and denies all
15 allegations inconsistent therewith.

16 63. With respect to Paragraph 63, Defendant admits that it received an email from Plaintiff
17 on February 8, 2022, regarding Plaintiff's FOIA request dated June 8, 2021. Defendant respectfully
18 refers the Court to the text of that correspondence for a full and accurate statement of its contents, and
19 denies all allegations inconsistent therewith.

20 64. With respect to Paragraph 64, Defendant denies that its first response to Plaintiff's email
21 on February 8, 2022, regarding Plaintiff's FOIA request dated January 27, 2021, was on February 23,
22 2022. Defendant admits that it sent an email to Plaintiff on February 23, 2022, regarding Plaintiff's
23 FOIA request dated January 27, 2021. Defendant respectfully refers the Court to the text of that
24 correspondence for a full and accurate statement of its contents, and denies all allegations inconsistent
25 therewith.

26 65. With respect to Paragraph 65, Defendant admits that it sent an email to Plaintiff on
27 February 23, 2022. Defendant respectfully refers the Court to the text of that correspondence for a full
28 and accurate statement of its contents, and denies all allegations inconsistent therewith.

1 66. With respect to Paragraph 66, Defendant admits that it received an email from Plaintiff
2 on May 17, 2022, regarding Plaintiff's FOIA request dated June 8, 2021. Defendant respectfully refers
3 the Court to the text of the correspondence for a full and accurate statement of its contents, and denies
4 all allegations inconsistent therewith. The remaining allegation of Paragraph 51 contains Plaintiff's
5 legal conclusions, to which no response is required.

6 67. With respect to Paragraph 67, Defendant admits that it sent an email to Plaintiff on May
7 20, 2022, in response to Plaintiff's email on May 17, 2022. Defendant respectfully refers the Court to
8 the text of that correspondence for a full and accurate statement of its contents, and denies all allegations
9 inconsistent therewith.

10 68. Paragraph 68 contains Plaintiff's legal conclusions regarding the provisions of FOIA, to
11 which no response is required. To the extent any further response is required, Defendant respectfully
12 directs the Court to the cited provisions and denies all allegations inconsistent therewith.

13 69. With respect to Paragraph 69, Defendant admits that as of the date of the Complaint, it
14 had not had any additional communications with Plaintiff since the date of Defendant's email to Plaintiff
15 on February 11, 2022.

16 70. With respect to Paragraph 70, Defendant admits that as of the date of the Complaint, it
17 had not provided Plaintiff with a determination informing Plaintiff of whether Defendant would produce
18 documents related to Plaintiff's FOIA request, the reasons for its decision, and notice of Plaintiff's right
19 to appeal the decision to the head of the agency. The remaining allegations of Paragraph 70 contain
20 Plaintiff's legal conclusions, to which no response is required. To the extent any response is required,
21 Defendant respectfully directs the Court to the cited provisions of FOIA and denies all allegations
22 inconsistent therewith.

23 71. Paragraph 71 contains Plaintiff's legal conclusions, to which no response is required. To
24 the extent any response is required, Defendant respectfully directs the Court to the cited provision of
25 FOIA and denies all allegations inconsistent therewith.

26 72. With respect to Paragraph 72, Defendant admits the allegations.

27 73. With respect to Paragraph 73, Defendant admits the allegations.

28 74. Paragraph 74 contains Plaintiff's legal conclusions, to which no response is required. To

1 the extent any response is required, Defendant respectfully directs the Court to the cited provisions of
2 FOIA and denies all allegations inconsistent therewith.

3 75. With respect to Paragraph 75, Defendant lacks sufficient information or knowledge to
4 form a belief as to the truth or falsity of the allegation that Plaintiff “has been forced to retain the
5 services of counsel and to expend funds,” and on that basis denies it. The remaining allegations of
6 Paragraph 75 contain Plaintiff’s legal conclusions, to which no response is required. To the extent any
7 response is required, Defendant respectfully directs the Court to the provisions of FOIA and denies all
8 allegations inconsistent therewith.

9 **CAUSES OF ACTION**

10 **COUNT I**

11 76. Defendant realleges and incorporates by reference its responses to Paragraphs 1–76
12 above as though fully set forth herein.

13 77. The allegations contained in Paragraph 77 consist of Plaintiff’s legal conclusions, to
14 which no response is required. To the extent any response is required, Defendant respectfully directs the
15 Court to the provisions of FOIA and denies all allegations inconsistent therewith.

16 78. With respect to Paragraph 78, Defendant admits that as of the date of the Complaint, it
17 had not provided Plaintiff with a determination informing Plaintiff of whether Defendant would produce
18 documents related to Plaintiff’s FOIA requests, the reasons for its decision, and notice of Plaintiff’s right
19 to appeal the decision to the head of the agency. The remaining allegations of Paragraph 78 contain
20 Plaintiff’s legal conclusions, to which no response is required. To the extent any response is required,
21 Defendant respectfully directs the Court to the cited provisions of FOIA and denies all allegations
22 inconsistent therewith.

23 79. The allegations contained in Paragraph 79 consist of Plaintiff’s legal conclusions, to
24 which no response is required. To the extent any response is required, Defendant respectfully directs the
25 Court to the provisions of FOIA and denies all allegations inconsistent therewith.

26 80. The allegations contained in Paragraph 80 consist of Plaintiff’s legal conclusions, to
27 which no response is required. To the extent any response is required, Defendant respectfully directs the
28 Court to the provisions of FOIA and denies all allegations inconsistent therewith. With respect to the

1 second sentence of this paragraph, Defendant lacks sufficient information or knowledge to form a belief
2 as to the truth or falsity of the allegation, and on that basis denies it.

3 81. The allegations contained in Paragraph 81 consist of Plaintiff's legal conclusions, to
4 which no response is required. To the extent any response is required, Defendant respectfully directs the
5 Court to the provisions of FOIA and denies all allegations inconsistent therewith.

6 82. The allegations contained in Paragraph 82 consist of Plaintiff's legal conclusions, to
7 which no response is required. To the extent any response is required, Defendant respectfully directs the
8 Court to the provisions of FOIA and denies all allegations inconsistent therewith. With respect to the
9 remaining allegations of Paragraph 82, Defendant lacks sufficient information or knowledge to form a
10 belief as to the truth or falsity of those allegations, and on that basis denies them.

11 **COUNT II**

12 83. Defendant realleges and incorporates by reference its responses to Paragraphs 1–82
13 above as though fully set forth herein.

14 84. The allegations contained in Paragraph 84 consist of Plaintiff's legal conclusions, to
15 which no response is required. To the extent any response is required, Defendant respectfully directs the
16 Court to the provisions of FOIA and denies all allegations inconsistent therewith.

17 85. The allegations contained in Paragraph 85 consist of Plaintiff's legal conclusions, to
18 which no response is required. To the extent any response is required, Defendant respectfully directs the
19 Court to the cited provisions of FOIA and denies all allegations inconsistent therewith.

20 86. The allegations contained in Paragraph 86 consist of Plaintiff's legal conclusions, to
21 which no response is required. To the extent any response is required, Defendant respectfully directs the
22 Court to the provisions of FOIA and denies all allegations inconsistent therewith.

23 87. The allegations contained in Paragraph 87 consist of Plaintiff's legal conclusions, to
24 which no response is required. To the extent any response is required, Defendant respectfully directs the
25 Court to the provisions of FOIA and denies all allegations inconsistent therewith.

26 88. The allegations contained in Paragraph 88 consist of Plaintiff's legal conclusions, to
27 which no response is required. To the extent any response is required, Defendant respectfully directs the
28 Court to the provisions of FOIA and denies all allegations inconsistent therewith.

89. The allegations contained in Paragraph 89 consist of Plaintiff's legal conclusions, to which no response is required. To the extent any response is required, Defendant respectfully directs the Court to the provisions of FOIA and denies all allegations inconsistent therewith. With respect to the remaining allegations of Paragraph 89, Defendant lacks sufficient information or knowledge to form a belief as to the truth or falsity of those allegations, and on that basis denies them.

90. The allegations contained in Paragraph 90 consist of Plaintiff's legal conclusions, to which no response is required. To the extent any response is required, Defendant respectfully directs the Court to the provisions of FOIA and denies all allegations inconsistent therewith. With respect to the remaining allegations of Paragraph 90, Defendant lacks sufficient information or knowledge to form a belief as to the truth or falsity of those allegations, and on that basis denies them.

91. The allegations contained in Paragraph 91 consist of Plaintiff's legal conclusions, to which no response is required. To the extent any response is required, Defendant respectfully directs the Court to the provisions of FOIA and denies all allegations inconsistent therewith. With respect to the remainder of Paragraph 91, Defendant denies the allegations.

COUNT III

92. Defendant realleges and incorporates by reference its responses to Paragraphs 1–91 above as though fully set forth herein.

93. The allegations contained in Paragraph 93 consist of Plaintiff's legal conclusions, to which no response is required. To the extent any response is required, Defendant respectfully directs the Court to the provisions of FOIA and denies all allegations inconsistent therewith.

94. The allegations contained in Paragraph 94 consist of Plaintiff's legal conclusions, to which no response is required. To the extent any response is required, Defendant respectfully directs the Court to the provisions of FOIA and denies all allegations inconsistent therewith.

95. The allegations contained in Paragraph 95 consist of Plaintiff's legal conclusions, to which no response is required. To the extent any response is required, Defendant respectfully directs the Court to the provisions of FOIA and denies all allegations inconsistent therewith. With respect to the remaining allegations of Paragraph 95, Defendant lacks sufficient information or knowledge to form a belief as to the truth or falsity of those allegations, and on that basis denies them.

1 96. The allegations contained in Paragraph 96 consist of Plaintiff's legal conclusions, to
2 which no response is required. To the extent any response is required, Defendant respectfully directs the
3 Court to the provisions of FOIA and denies all allegations inconsistent therewith.

4 97. The allegations contained in Paragraph 97 consist of Plaintiff's legal conclusions, to
5 which no response is required. To the extent any response is required, Defendant respectfully directs the
6 Court to the provisions of FOIA and denies all allegations inconsistent therewith. With respect to the
7 remainder of Paragraph 97, Defendant denies the allegations.

8 98. The allegations contained in Paragraph 98 consist of Plaintiff's legal conclusions, to
9 which no response is required. To the extent any response is required, Defendant respectfully directs the
10 Court to the provisions of FOIA and denies all allegations inconsistent therewith. With respect to the
11 remaining allegations of Paragraph 98, Defendant lacks sufficient information or knowledge to form a
12 belief as to the truth or falsity of those allegations, and on that basis denies them.

13 **REQUEST FOR RELIEF**

14 The remainder of the Complaint consists of Plaintiff's request for relief, to which no response is
15 required. To the extent these paragraphs are deemed to contain factual allegations, Defendant denies
16 those allegations and denies that Plaintiff is entitled to any relief.

17 **GENERAL DENIAL**

18 Except to the extent expressly admitted or qualified above, Defendant denies each and every
19 allegation contained in the Complaint.

20 **AFFIRMATIVE OR OTHER DEFENSES**

21 **FIRST AFFIRMATIVE DEFENSE**

22 The Complaint fails to state a claim upon which relief may be granted.

23 **SECOND AFFIRMATIVE DEFENSE**

24 The information that Defendant has withheld or will withhold in response to Plaintiff's FOIA
25 request may be exempt in whole or part from public disclosure under FOIA, 5 U.S.C. § 552(b), and the
26 Privacy Act, 5 U.S.C. § 552a, *et seq.*, and Plaintiff is not entitled to compel the production of any
27 records that are exempt from public disclosure under FOIA.

1 **THIRD AFFIRMATIVE DEFENSE**

2 The Court lacks subject matter jurisdiction over any requested relief that exceeds the relief
3 authorized by FOIA.

4 **FOURTH AFFIRMATIVE DEFENSE**

5 Plaintiff's FOIA requests fail to reasonably describe the records sought.

6 **FIFTH AFFIRMATIVE DEFENSE**

7 Plaintiff has not alleged sufficient factual and/or legal bases for its request for attorneys' fees
8 and/or costs.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Defendant prays that:

- 11 1. Plaintiff takes nothing by its Complaint;
12 2. The Complaint be dismissed with prejudice;
13 3. Judgment be entered in favor of Defendant;
14 4. Defendant be awarded its costs of suit;
15 5. The Court award such other and further relief as it may deem proper.

16
17 DATED: September 12, 2022

Respectfully submitted,

18 STEPHANIE M. HINDS
19 United States Attorney

20 /s/ Savith Iyengar

SAVITH IYENGAR
Assistant United States Attorney

21 Attorneys for Defendant
22 U.S. DEPARTMENT OF STATE
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